



"I will stand for my client's rights.
I am a trial lawyer."
—Ron Motley (1944–2013)

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December 5, 2024

VIA ECF

The Honorable Robert W. Lehrburger
United State District Court Magistrate Judge
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Monty March and Linda Pratka v. Real Estate Board of New York et. al.*, Docket No,
1:23-cv-09995-JGLC/RWL; *Friedman v. Real Estate Board of New York, et al.*, No. 1:24-
cv-405-JGCL-RWL

Dear Magistrate Judge Lehrburger:

We write on behalf Plaintiffs Monty March, Linda Pratka, and Robert Friedman ("Plaintiffs") in the above-referenced actions. We also write with the consent of Defendants Compass, Inc. ("Compass"), Douglas Elliman Inc. ("Douglas Elliman"), Engel & Völkers New York Real Estate LLC ("E&V") and Christie's International Real Estate LLC ("CIRE") (collectively, the "Subject Defendants") concerning the Stipulation and Order to Stay Proceedings (the "Stipulation to Stay") filed concurrently herewith.

The Stipulation to Stay was filed to address the Court's Order dated June 26, 2024. ("Order") *March* ECF No. 250; *Friedman* ECF No. 121. The Order granted "Plaintiffs' requests in both cases to formally brief the various defendants' letter motions for stay pending final approval of the settlement in *Burnett et al. v. NAR et al.*, No. 4:19-cv-00332 (W.D. Mo. Apr. 23, 2024), . . . to the extent the issue is not or does not become moot." *Id.* ¶ 3. The Order provided that "to the extent not otherwise moot, Defendants' formal stay motions and briefing shall be filed by December 10, 2024." *Id.* ¶ 4. Alternatively, "[i]f no formal motions are made due to mootness or otherwise, the parties shall instead file a status report and proposed schedule by the due date for filing of the motions for a stay." *Id.* ¶ 5.

Plaintiffs filed objections to the Subject Defendants' Settlement and Final Approval Order in *Gibson et al. v. National Association of Realtors et al.*, 23-cv-00788-SRB pending in the United States District Court for the Western District of Missouri before The Honorable Stephen R. Bough ("*Gibson*"). Plaintiffs also filed objections to the National Association of Realtors



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Settlement and Final Approval Order in *Burnett et al. v. National Association of Realtors et al.*, 19-cv-00332-SRB (“*Burnett*”). Plaintiffs’ Objections were overruled by Judge Bough who entered Final Approval Orders in each case. Yesterday and today, Plaintiffs filed Notices of Appeal in both *Gibson* and *Burnett*.

Accordingly, rather than merely file a joint status report at this time, Plaintiffs and the Subject Defendants have stipulated to a stay as to the Subject Defendants, pending resolution of the appeals to the Eighth Circuit Court of Appeals.

We are available, at the Court’s convenience, to discuss this proposed Stipulation.

Respectfully submitted,

/s/ Michael M. Buchman

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Respectfully submitted,

/s/ Daniel Goldman

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cc: All Counsel of Record